

REMARKS

Claims 1-4 and 7-10 are currently pending. Claims 7 and 8 have been amended to enhance clarity. Claims 11-21 were previously canceled as being drawn to non-elected inventions. Applicant respectfully requests reconsideration of the application in response to the final Office Action.

Claim Rejections – 35 USC §112

Claims 7 and 8 have been rejected under 35 U.S.C. §112, second paragraph, as being purportedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 has been amended and recites:

7. The method of Claim 1, wherein the step of selecting a first set of members includes:

determining an interval value that is equal to a summation of the weights of the members of the available survey panel divided by the number of the first set of members to be selected;

selecting a random number that is between zero and the interval value;

assigning an identification (ID) number to each of the members of the available survey panel;

determining a cumulative weight for each of the members of the available survey panel, the cumulative weight of each particular member being determined by a summation of the weight of the particular member and the weights of other members whose ID numbers are smaller than the ID number of the particular member; and

choosing the first set of members from the available survey panel, each of the first set of members having a cumulative weight that matches the sum of the random number and an integer multiple of the interval value.

Support for the changes can be found in FIG. 3 and the text related thereto, for example. Claim 8 has been amended in the similar manner. In light of the amended languages, withdrawal of this rejection is respectfully requested.

Claim Rejections – 35 USC §103(a)

Claims 1-4 and 9-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Decision Analyst, Inc. (www.decisionanalyst.com) in view of Probability Definitions (stat.evu.edu/SRS/modules/ProbDef/urn.html).

In rejecting claim 1, the Office has suggested that the Decision Analyst, Inc. web pages allegedly disclose the features of claim 1, but do not expressly disclose selection probabilities that compensate for the removal of members from the panel. Applicant respectfully submits that, even presuming that the Decision Analyst, Inc. web pages are prior art, the Office's reliance on the Decision Analyst, Inc. web pages is misplaced. For example, claim 1 includes a recitation "adjusting weights of the remaining members of the available survey panel to compensate for the removal of the first set of members from the available survey panel and thereby to make the remaining members of the available survey panel match the demographics." The Office has cited various portions of the Decision Analyst Inc. web pages 3, 4, 7, 8, 9, 14 as allegedly disclosing the recited feature. Even though the Decision Analyst Inc. web pages merely include a sentence "the composition of the final sample is checked against target demographics to determine if data weighting is necessary," it fails to teach how to determine if data weighting is necessary, much less how to weight the data. A review of the Probabilities Definitions reveals that it is silent regarding any weight whatsoever. In addition, a review of the Decision Analyst Inc. web pages reveals that it is silent as to the step of "determining a weight for each of the members, said weight being derived to match the members to demographics of the general public" as recited in claim 1.

For another example, the Office has acknowledged that the Decision Analyst Inc. web pages do not expressly disclose selection probabilities of the additional members that are respectively proportional to the adjusted weights to compensate for the removal of the first set of members from the available survey panel. Then, the Office has stated that "the Probability Definitions discloses that when sampling a member without replacement, selection probabilities in the following sampling change due to compensate for removal of a member of a population ... Sampling without replacement is old and notoriously well known in statistics, wherein the probabilities of remaining member are updated for the removal of members ...

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to remove the survey panel members of Decision Analyst, Inc. by compensating selection probabilities for the removal of the members of the population in order to increase the quality of the survey data...." As discussed above, the Probability Definitions web pages is silent as to any weight, much less "the selection probabilities of the additional members being respectively proportional to the adjusted weights to compensate for the removal of the first set of members from the available survey panel" as recited in claim 1. Stated differently, the Probability Definitions web pages and the cited knowledge that probabilities of remaining member are updated for the removal of members do not cure the deficiency of Decision Analyst, Inc. in failing to teach the recitation "selecting, with a processor, additional members from the available survey panel for a second survey, selection probabilities of the additional members being respectively proportional to the adjusted weights to compensate for the removal of the first set of members from the available survey panel" of claim 1.

Based on the discussions set forth above, Applicant respectfully submits that the cited references fail to teach all the features of the claimed invention. Perhaps more importantly, a review of the cited references reveals that there is no teaching in any reference that would motivate a skilled artisan to combine the teachings of any one or more of the cited references to arrive at Applicant's invention. As such, Applicant respectfully submits that a *prima facie* case of obviousness has not been established, and claim 1 is patentable. Claim 2-4 and 7-10 depend, either directly or ultimately, from claim 1, rendering them also patentable for at least the same reasons.

In rejecting claim 3, the Office has noted that Decision Analyst, Inc. does not expressly disclose using a weight factor. Then, the Office has asserted "Decision Analyst, Inc. discloses sampling a survey panel to choose survey respondents and then removing these respondents so that the respondents are not selected again for at least six months...Sampling without replacement is old and notoriously well known in the statistics, wherein the probability of selection is adjusted to compensate for the removal of the members as shown by Probability Definitions. Therefore, it would

have been obvious to one of ordinary skill in the art...to use a weight factor that reflects the sampling without replacement...." Applicant respectfully disagrees.

A review of the cited references reveals that the cited references are silent as to the weights and "a weight factor proportionate to the number of original members in the group over the number of remaining members in the group in the available panel" as recited in claim 3. As such, Applicant respectfully submits that a *prima facie* case of obviousness has not been established, and claim 3 is patentable.

In rejecting claim 9, the Office has state that "the Decision Analyst, Inc. teaches wherein one or more weighting factors are multiples [*sic*] to the weights of the remaining members of the available survey panel to compensate for the removal of people who have been previously given a survey within a certain time period" Applicant respectfully disagrees.

A review of the cited references reveals that the cited references are completely silent as to the recitation "one or more weighting factors are multiplied to the weights of the remaining members of the available survey panel to compensate for the removal of people who have been previously given a survey within a certain time period." As such, Applicant respectfully submits that a *prima facie* case of obviousness has not been established, and claim 9 is patentable.

Claim 10 depends from claim 9, including all the recitations of claim 10. In addition, claim 10 recites "an original weighting factor...a removal weighting factor...and a selection weighting factor...." A review of the cited references reveals that the cited references are silent as to the recitation. As such, Applicant respectfully submits that a *prima facie* case of obviousness has not been established, and claim 10 is patentable.

Conclusion


Based on the reasons as set forth above, Applicant respectfully requests allowance of all pending claims.

In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicant's undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

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